IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION NO.2717 OF 2004

Sunanda Suresh Kokare ..Petitioner.
Vs.
Municipal Corporation of Greater Bombay & Ors. .. Respondents.

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Mr. S.K. Singh for the petitioner.
Ms. A.K. Savla for the respondents.

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CORAM : DALVEER BHANDARI, C.J.&
DR.D.Y.CHANDRACHUD, J.

16th December, 2004.

P.C. :

1. On an application dated 3rd March, 2003 for a health licence that was made by the Petitioner, the Medical Officer of Health attached to the M-West Ward, Municipal Corporation issued a licence under the " One window" system. The licence was issued to the Petitioner in respect of an establishment by the name of Bhagwan Pan Bidi Shop opposite building No.2, R.C. Marg, Chembur, Mumbai 400 074. The licence was revoked on 9th August, 2004.

2. Admittedly, no hearing was afforded to the Petitioner before the licence came to be cancelled. In view of the well settled

position in law, the order of cancellation has to be set aside, in view of the admitted violation of the principles of natural justice in the present case. The impugned order of revocation dated 9th August, 2004 is, in the circumstances, quashed and set aside. The Municipal Corporation shall be at liberty to pass fresh orders after furnishing the Petitioner an opportunity of being heard. The reasons contained in the impugned order shall be regarded as grounds in support of the notice for cancellation. The Petitioner shall submit his reply to the Assistant Municipal Commissioner, M-West Ward within a period of two weeks from today. The Assistant Municipal Commissioner shall pass fresh orders after furnishing an opportunity of being heard to the Petitioner thereon. The Petition is allowed to the aforesaid extent. In the circumstances of the case, there shall be no order as to costs.

CHIEF JUSTICE

DR.D.Y.CHANDRACHUD, J.